

Decision Statement for NPWS Proponents

REF CM9 file no.	DOC24/982563-3
Title of proposal:	Demolition and removal of Broadside Wharf (4b and sections of 4a) and Northern Broadside Wharf (55b), Goat Island, Sydney Harbour
Location:	Lot 4 DP837195, maritime waters adjoining Goat Island, Sydney Harbour National Park and leased by NPWS
Area/ NPWS Branch:	Sydney South / Greater Sydney Branch
Proponent:	NSW National Parks & Wildlife Service

Based on the Review of Environmental Factors (REF) and any additional information obtained, and after having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity (in accordance with section 5.5 of the *Environmental Planning and Assessment Act 1979*), **I hereby determine that:**

Activity to proceed

Further information/assessment is not required:

- an Environmental Impact Statement (EIS) is not required as the activity is not likely to significantly affect the environment
- a Species Impact Statement (SIS) is not required as the activity is not proposed to occur on land that is part of an area of outstanding biodiversity value or critical habitat, and is not likely to significantly affect threatened species or ecological communities, or their habitats
- the activity has adequately addressed the matters in Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The activity may proceed, subject to the conditions specified in the attached Schedule 1 and subject to any necessary approvals (if approval required under other legislation) being obtained first.

Related matters

Further, it is considered that the proposed activity:

- **is unlikely to** impact significantly on matters of National Environmental Significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- **is unlikely to** impact significantly on **local council infrastructure**, including roads, water, sewer and stormwater, **local heritage items** listed by the council, and **flood patterns on flood liable land**.
- **will** require certification to Building Code of Australia or Australian Standards in accordance with the NPWS *Construction Assessment Procedures*.

Determination

NPWS Area Manager recommendation:

Name: Ben Khan
Signature: In Cm10 notes
Date: 20/2/2025

Determination by Director Park Operations, Greater Sydney Branch

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under section 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Name: Andres Bianchi

Signature:



Date: 24/02/2025

Schedule 1: Conditions of Determination

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General information about this Determination

References to the REF

All references to the REF are references to the following document:

- Goat Island Wharves 4a, 4b & 55b Demolition – Review of Environmental Factors, inclusive of:
 - Appendix A – Demolition Specification
 - Appendix C – Statement of Heritage Impact
 - Appendix D – DPIRD Fisheries Notification Response

Responsibilities of the proponent

The proponent is responsible for the manner in which the activity detailed in the REF and this determination is performed.

Explanatory notes to conditions in this determination

Explanatory notes included with this determination do not form part of the conditions.

DETERMINATION CONDITIONS

General Conditions

1. The proponent must have commenced the activity within 5 years from the date of determination.
2. This determination only applies to those parts of the activity as identified in the Review of Environmental Factors (REF) that will be undertaken on Goat Island. The proponent must determine whether any other approvals are required for any associated works that are to occur outside this area, including any works in other parts of Goat Island

Emergency works

3. Notwithstanding any other conditions of this determination, in the event that emergency works are required, the proponent must take all reasonable steps to ensure that these occur as expeditiously as possible. Emergency works are generally works of a temporary and reversible nature which are urgently required to arrest an imminent threat to life, safety, public liability, and/or threat to fabric or property.

4. In the event that emergency works are undertaken the proponent must notify the Environment Line on 131555 as soon as practicable. Once notification has been made, the proponent must contact the Greater Sydney Branch Director or delegate to seek direction on any further procedures to be implemented.

Undertaking the activity

5. The 'activity' detailed in the REF must be undertaken:
 - at the location identified in the REF
 - in accordance with the description of the activity and environmental safeguards or mitigation measures listed in the REF
 - as required or amended by the response from DPIRD Fisheries dated 19 December 2024 to the notification under s.199 of the *Fisheries Management Act 1994*
 - as required or amended by the conditions of this determination.
6. In the event of any inconsistency between the REF and the conditions of this determination, the conditions of the determination shall prevail.
7. This determination, and the conditions of this determination, do not relieve the proponent of any obligation to obtain other statutory approvals necessary to undertake the activity, including but not limited to any approvals required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
8. The proponent must undertake the activity in accordance with the requirements of the *Work Health and Safety Act 2011*, including codes of practice adopted under the Act, and the Work Health and Safety Regulation 2017. Any contractors on the site are to have appropriate insurances, including public liability insurance.
9. The proponent must provide the following to the Greater Sydney Branch Director or delegate prior to commencement of the activity:
 - the contact details and qualifications of a person who will be present on site to supervise the activity
 - a list of tradespersons, contractors or subcontractors who will be involved in undertaking the activity. The list must include the trade licence number and information on the expertise and experience of the tradesperson or contractor.

PRIOR TO COMMENCEMENT OF ACTIVITY CONDITIONS

Approvals and compliance

10. Prior to the commencement of the activity, the proponent must obtain the following:
 - Feedback from Transport for New South Wales (TfNSW) as the representative agency of the State of NSW as landowner, for the proposed activity to be undertaken on their land, consistent with the terms of the lease agreement held by NPWS
 - a permit under Part 7 section 205 of the *Fisheries Management Act 1994* for Harm to Marine Vegetation.
11. Prior to the commencement of the activity, the proponent must comply with any other relevant requirements of this determination, including submission and approval of:
 - an Environmental Management Plan (which addresses hazardous materials, incident management, erosion and sediment control) – see Condition 13.

NPWS notification

12. The project manager as representative of the proponent must notify the NPWS South Sydney Area Manager in writing or by email at least 7 days prior to commencing the activity.

Environmental Management Plan

13. An Environmental Management Plan (EMP) identifying the potential risks of the activity and how these will be managed must be prepared and submitted to the Greater Sydney Branch Director or delegate for approval at least 1 week prior to the commencement of the activity. The proponent (including any staff, contractors, subcontractors or tradespersons involved in the activity) must comply with all measures identified in the approved EMP. The plan must detail the environmental management procedures to be applied during and after the completion of the activity including, but not limited to, the following components:
 - location of active work and storage areas
 - measures to protect areas of environmental sensitivity including reporting and communication pathways
 - environmental safeguards, including water pollution controls, waste management, and management of hazardous substances
 - site rehabilitation including management of contaminated materials and soils
 - public safety, including location, design and timeframes of information signage and public relations media releases by the proponent
 - contact protocols outlining procedures and any notifications to be given before works commence, together with contact details for the project manager and the NPWS Sydney South Area Manager and Ranger
 - site induction and training arrangements
 - site monitoring and reporting
 - protocols for incidents and emergencies and contingency planning, including reporting pathways.

OPERATIONAL CONDITIONS

Availability of REF determination and conditions

14. A copy of the REF, this decision statement and attached schedule of conditions must be published on the Planning Portal.

Discovery of unknown Aboriginal and historic heritage values

15. If, during the course of the activity:
 - any Aboriginal objects, as defined under the National Parks and Wildlife Act, are uncovered or discovered; and/or
 - any relics, as defined under the *Heritage Act 1977*, are uncovered or discoveredthe proponent must cease work immediately and notify the Environment Line on 131555, unless the objects and/or relics are subject to the Aboriginal Heritage Impact Permit or a valid Heritage Permit. Work must not recommence until written advice to do so has been provided by NPWS.
16. Unless explicitly covered by the REF, this determination does not authorise the disturbance or movement of any human skeletal remains. If, during the course of the activity, any human skeletal remains are located the proponent must:

- immediately cease the activity and not further harm these remains
- secure the area so as to avoid further harm to the remains
- notify the local police and Environment Line on 131555 as soon as practicable and at that time provide any available details about the nature and location of the remains
- notify the Greater Sydney Branch Director or delegate, and
- recommence the activity only after receiving confirmation in writing from the local police or Heritage NSW that it is appropriate to do so.

Discovery of unknown biodiversity values

17. If, during the course of undertaking the activity, the proponent becomes aware of the presence of threatened species or endangered ecological communities, or their habitats, that were not identified and assessed in the REF and which are likely to be affected by the activity, the proponent must:
- immediately cease all work likely to affect the threatened species or endangered ecological communities, or their habitats
 - inform the Greater Sydney Branch Director or delegate and the local DPIRD Fisheries office (for threatened fish or marine vegetation matters) as soon as practicable by phone, electronically or in writing, and
 - not recommence work likely to affect the threatened species or endangered ecological communities, or their habitats until receiving written advice from NPWS and DPIRD Fisheries to do so.

Notification of environmental harm

18. The proponent (including any contractors) must notify the Environment Line on 131555 of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident.
19. Once notification has been made the proponent must also contact the Greater Sydney Branch Director or delegate to seek direction on any further procedures to be implemented.
20. The proponent must provide written details of the notification to the Greater Sydney Branch Director within 7 days of the date on which the incident occurred.

Equipment and materials storage

21. The proponent must store any machinery, equipment or materials required for the activity in existing cleared areas in accordance with the REF.
22. At all times that the activity is not being undertaken, machinery, vehicles and equipment must be stored in a secure location with authorised access only.

Fire prevention and control

23. Machinery which may result in sparking or ignition must not be operated during a Park Fire Ban for Sydney Harbour National Park or a declared Total Fire Ban for the zone which includes Sydney Harbour National Park.

Demolition

24. The proponent must carry out all demolition work in accordance with the provisions of relevant Australian Standards, including *AS2601-2001 Demolition of structures*. Any demolition works involving asbestos materials must also comply with the Protection of the Environment Operations (Waste) Regulation 2014 with regard to handling and movement of asbestos material.

Operational hours / Site access

25. The proponent must take reasonable steps to ensure public access is prevented in areas where works are being carried out, using such means as temporary barriers (e.g. construction-level fencing on land and/or moveable floating barriers on water) supported by appropriate signage. The barriers and signage must be erected by the proponent around the work area prior to commencement.
26. The proponent is to encourage staff and contractors involved in the activity to limit the number of vessels to travel to the site during the proposed activity.

Waste management

27. Waste generated at the site from works undertaken as part of the activity must be managed in accordance with the Protection of the Environment (Waste) Regulation 2014.
28. Removal of any asbestos-containing material must be undertaken in accordance with *Code of practice: How to safely remove asbestos* published by SafeWork NSW in December 2022.

Waterway protection

29. Except as may be expressly provided in any other condition of this determination, the proponent must comply with section 120 of the *Protection of the Environment Operations Act 1997*.